

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
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DATE FILED: 5/2/2025

CAROLINE NYAMU,

Plaintiff,

Civil Action No.: 1:24-cv-06861-LGS

-v-

LVNV FUNDING, LLC, and PORTFOLIO
RECOVERY ASSOCIATES,

NOTICE OF MOTION

Defendants.

NOTICE OF MOTION FOR CERTIFICATION UNDER 28 U.S.C. § 1292(b)

PLEASE TAKE NOTICE that Plaintiff Caroline Nyamu, **pro se**, hereby moves this Court, before the Honorable Lorna G. Schofield, United States District Judge, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, for an Order:

1. **Certifying for interlocutory appeal under 28 U.S.C. § 1292(b) the following**
controlling questions of law:
 - (a) Whether the phrase “*allegedly refuses to pay*” in § 1692d(3) is limited to unproven or disputed refusals;
 - (b) Whether the phrase “*if otherwise permitted by law*” in § 1692c(b) requires express statutory authorization;
 - (c) Whether the term “*misleading representation*” under § 1692e must be interpreted according to its plain meaning and grammatical limitations, and whether reporting a confirmed

refusal as an “*alleged refusal*” can qualify as misleading under the statute;

(d) Whether furnishing information to a credit reporting agency constitutes an indirect communication with the consumer under § 1692c(c).

2. Granting such other and further relief as the Court deems just and proper.

This motion is supported by the attached **grounds for certification**, which detail the controlling questions of law, the substantial grounds for difference of opinion, and the ways in which interlocutory review would materially advance the resolution of this case.

Thank You Honorable Lorna G. Schofield,

Caroline Nyamu



Cc:

Jonathan Patrick Floyd

Troutman Pepper Hamilton Sanders, LLP

Jacquelyn Alena DiCicco

J Robbin Law PLLC

Jonathan M. Robbin

J. Robbin Law PLLC

MEMO ENDORSED



HON. VALERIE FIGUEREDO
UNITED STATES MAGISTRATE JUDGE

Dated:
5/5/2025

Plaintiff's motion for certification is premature, as Judge Schofield has not yet adopted the Report & Recommendation at ECF No. 32. The Clerk of Court is respectfully directed to terminate the motions at ECF Nos. 35 and 37.